

EXHIBIT J

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From: Moriarty, Matthew
Sent: Friday, July 02, 2010 10:30 AM
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Cc: Dean, Richard
Subject: status

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Good Morning. There are two items to address.

First, we have to meet to discuss how the 2 day October hearing should be structured. Judge Moss raised that issue again this week, and we need to have a discussion with Judge Goodwin about it in late July or early August. And it is about time for a status conference in Charleston.

That segues into topic #2. I hesitate to presume how the four depositions this week looked from your side of "the net." From our side, however, it was the week which conclusively revealed the weakness of your cases. Fred, you were at Dr. Frank's deposition, so I need say no more. I can tell you that neither Russ Somma nor Mark Kenny had a scientific basis for opinions about defective tablets in the hands of consumers, when they had opinions to a probability at all. Dr. Butterly had no opinions in the Luce case about whether there were defective tablets, or the cause of her elevated digoxin level.

We need to get back on track with our earlier discussions. This is costing a small fortune, and your cases are clearly not getting better. I know my client has been part of the slow pace of these discussions, but everything is in a bit sharper focus now. Dick and I are around today until mid-afternoon, and again Tuesday/Wednesday.

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